



Agenda Item Number: 2006-1-9A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: January 10, 2006

Department: Zoning, Building, Planning
& Environmental Health

Staff Contact: Sanford Fish, Director
Julie Baca, Deputy County Manager
for Community Services

TITLE: Text Amendments to the Bernalillo County Code, Appendix A, Zoning Ordinance #213

ACTION: Introduction and motion to approve publication of proposed code amendments.

SUMMARY:

The proposed ordinance revisions address enforcement and administrative items that have come to staff's attention over the past few years. On August 19, 2005 staff sent out a copy of the proposed amendment to all County neighborhood associations. The County Planning Commission (CPC) reviewed the amendments at their November 2, 2005, hearing and CPC voted unanimously to recommend approval. The changes are summarized below:

- General Provisions – requires a valid business license for compliance with zoning; currently lack of license must be enforced through an unrelated County ordinance.
- Definitions – updates the definition of cluster housing to allow for varying densities based on area or sector plans; adds a definition of commercial vehicle; updates the allowable number of residents of a group home for consistency with state requirements; clarifies that home occupations with clients visiting the site require Conditional Use approval.
- Residential Zones – adds garage/yard sales as a Permissive Use with restrictions; adds home occupations with clients visiting the site and one non-family member employee as a Conditional Use, for up to three years.
- Office and Institutional Zone – amends amateur radio antenna language for consistency with other sections of the ordinance.
- C-N Neighborhood Commercial Zone – allows for drive-thru in addition to drive-in establishments as a Conditional Use.
- C-1 Neighborhood Commercial Zone – expands the allowance for drive-thru facilities, since currently only drive-in banking is specifically mentioned; adds mixed use facilities with live/work arrangements (such as artist studios) as a Conditional Use.
- C-2 Community Commercial Zone – clarifies that approval of an adult use does not permit additional adult uses at that location.
- Industrial Zones – creates C-LI Commercial/Light Industrial zone to allow for zoning applications with uses less intensive than those currently permitted in the M-1 zone; adds a restriction against stacking materials above the height of the surrounding wall (this restriction is currently in place for auto storage and salvage yards only).

- Special Use Permits – allows owners of property with a Special Use Permit to apply for renewal of that permit if the underlying zoning does not provide for such an application due to the intensity of the use, based on the January 2004 amendments to the code; allows the Zoning Administrator to approve decreasing the size of an existing Special Use Permit following review at a public hearing; clarifies that all owners of property included in a Special Use Permit must agree to any application affecting that permit; updates procedures for compliance and cancellation based on language that had been incorporated into the Extraterritorial Zoning Ordinance in 1998, and which was discontinued in 2003.
- Administration – calls for all administrative amendments to Special Use Permits to be reviewed by the Zoning Administrator with a public hearing.

ATTACHMENTS:

1. Proposed amendments to Bernalillo County Code, Appendix A.
2. Comments received to date

FISCAL IMPACT

None

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

The proposed amendments address a number of enforcement and administrative issues in the current code. They have been reviewed by the Planning Commission and submitted to all neighborhood associations for their review and comments. I recommend accepting the amendments for publication. TL 12/21/05

DEPUTY COUNTY MANAGER FOR COMMUNITY SERVICES

Recommend Board approval of proposed code amendments. Only one neighborhood association response was received as a result of the proposed code amendments. At their meeting of November 2, 2005, the CPC addressed some of the concerns made by the one neighborhood association and voted unanimously to recommend approval of the proposed amendments. JMB 12/20/05

LEGAL

The proposed amendments will help make the Code more consistent and user friendly. FPT 12/12/05

FINANCE

Budget There is no fiscal impact with this agenda. Geri Maestas, Budget Analyst Sr. 11/30/05